



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

June 21, 2018

Sharon Sutherland
Sutherland Waterworks
P.O. Box 12
Leggett, CA 95585

CITATION NO. 02_03_18C_013 TO PUBLIC WATER SYSTEM #2300503 BACTERIOLOGICAL MONITORING VIOLATION

Enclosed is a citation issued to Sutherland Waterworks (hereinafter "System") by the State Water Resources Control Board, Division of Drinking Water (hereinafter "Division").

The System will be billed at the Division's hourly rate for the time spent on issuing this order since this is an enforcement action for noncompliance with state regulations. At this time, we have spent approximately one and a half hours on enforcement activities associated with this violation. You will receive a bill sent from our Drinking Water Fee Branch in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

Any person who is aggrieved by a compliance order issued by the Division may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the compliance order. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the compliance order. The date of issuance is the date when the Division mails or serves a copy of the compliance order, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml.

If you have any questions regarding this matter, please contact Lori Hanson at (707) 576-2604.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sheri K. Miller".

Sheri K. Miller, P.E.
Mendocino District Engineer
Division of Drinking Water

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

50 D Street, Suite 200, Santa Rosa, CA 95404 | www.waterboards.ca.gov

Enclosures

c: Trey Strickland, Mendocino County EH (via stricklt@co.mendocino.ca.us)

Darrell Sutherland
P.O. Box 12
Leggett, CA 95585

Leggett Post Office
67674 Drive Thru Tree Road
Leggett, CA 95585

Owner
Leggett Patriot Gas Station
67670 Drive Thru Tree Road
Leggett, CA 95585

Mr. Jason Castillo
Rising Sun Café
P.O. Box 245
Leggett, CA 95585

Scott and Melissa Rosenthal, Owners
Leggett Valley Merchantile
67678 Drive Thru Tree Rd
Leggett, CA 5585

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Sutherland Waterworks

Water System No: 2300503

To: Sutherland Waterworks
P.O. Box 12
Leggett, CA 95585

Issued: June 21, 2018

CITATION FOR NONCOMPLIANCE
TOTAL COLIFORM MONITORING VIOLATION
March 2018

The State of California Water Resources Control Board, Division of Drinking Water (Division) hereby issues a citation to the Sutherland Waterworks (System) for failure to comply with Section 64423, Title 22, of the California Code of Regulations (CCR).

Chapter 4, Article 9, Section 116550 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit or order issued thereunder. A copy of the *Applicable*

1 *Statutes and Regulations* is located in Appendix 3, which is attached hereto and
2 incorporated by reference.

3 4 **STATEMENT OF FACTS**

5 The Sutherland Waterworks is a transient, non-community water system serving 7
6 connections with a population of approximately 30 people per day. Pursuant to
7 Sections 64423 and 64423.1, Title 22, of the CCR, the System is required to collect
8 one routine bacteriological sample per month from the distribution system and report
9 the findings to the Division no later than the 10th day of the following month. As of the
10 date of this citation, the Division has not received results for routine bacteriological
11 samples collected from the distribution system of the Sutherland Waterworks during
12 the month of March 2018.

13 14 **DETERMINATIONS**

15 The Division has determined that the Sutherland Waterworks violated Section 64423,
16 Title 22, of the CCR by the failure to collect routine bacteriological samples during
17 March 2018.

18 19 **VIOLATION HISTORY**

20 The March 2018 violation is the fifth violation of Section 64423, Title 22, of the CCR
21 by the System within the last twelve months. Citation 02_03_17C_022 was issued by
22 the Division on July 17, 2017 for the failure to conduct bacteriological monitoring of
23 the drinking water at the Sutherland Waterworks during the month of May 2017.
24 Citation 02_03_18C_006 was issued by the Division on March 13, 2018 for the failure
25 to conduct bacteriological monitoring of the drinking water at the Sutherland
26 Waterworks during the month of December 2017. Citation 02_03_18C_007 was
27 issued by the Division on May 3, 2018 for the failure to conduct bacteriological

1 monitoring of the drinking water at the Sutherland Waterworks during the month of
2 January 2018. Citation 02_03_18C_010 was issued by the Division on May 25, 2018
3 for the failure to conduct bacteriological monitoring of the drinking water at the
4 Sutherland Waterworks during the month of February 2018.

5 6 **PENALTIES PURSUANT TO HEALTH AND SAFETY CODE**

7 **SECTION 116650**

8 The Division hereby assesses upon the System an administrative penalty of **five**
9 **hundred dollars** (\$500.00) for the failure to perform bacteriological monitoring of the
10 drinking water at Sutherland Waterworks during March 2018. Instructions for paying
11 the penalty are included in Directive 4 of this Citation.

12 13 **DIRECTIVES**

14 The Sutherland Waterworks is hereby directed to take the following actions:

- 15
16 1. Comply with Section 64423, Title 22, of the California Code of Regulations in
17 all future monitoring periods.
- 18
19 2. On or before **July 12, 2018**, notify all persons served by the System of the
20 bacteriological monitoring violation in conformance with Section 64463.4 and
21 Section 64465, Title 22 of the CCR. A copy of these regulatory sections is
22 provided in Appendix 3. The Public Notification Template in Appendix 1 must
23 be used to fulfill this directive for the two methods of notification. **The System**
24 **shall complete the corrective actions section and contacts section of**
25 **the template before notifying the customers.** The System shall post
26 copies of the notice in various conspicuous locations within all businesses
27 served by the water system for a minimum of 7 days. The System must take

1 photos of posted copies, and give locations and dates of posting, as proof of
2 the notification. In addition, a second method of notification must be chosen
3 (see Appendix 2 - Compliance Certification). This second method must also
4 be completed no later than **July 12, 2018**.

- 5
- 6 3. The System shall complete Appendix 2: Compliance Certification. Submit
7 the Compliance Certification together with proof of the two methods of public
8 notification to the Division on or before **July 20, 2018**.

- 9
- 10 4. By **July 20, 2018**, pay the administrative penalty of **\$500.00**. Payment shall
11 be made by check, payable to the State Water Resources Control Board.
12 The Citation number must be written on the check. It must be submitted with
13 a copy of the first page of this Citation to the following address:

14

15 State Water Resources Control Board
16 Division of Administrative Services – Fee Branch
17 P.O. Box 1888
18 Sacramento, CA 95812-1888

19

20 If the System fails to meet the deadlines set out in this Citation, the State Board may
21 pursue further enforcement, which could include additional fines. The State Board
22 does not waive any further enforcement action by issuance of this Citation.

23

24 The Division reserves the right to make such modifications to this Citation, as it deems
25 necessary to protect public health and safety. Such modifications may be issued as
26 amendments to this Citation and shall be effective upon issuance.

1 Nothing in this Citation relieves the System of its obligation to meet the requirements
2 of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4,
3 commencing with Section 116270), or any regulation, standard, permit or order issued
4 thereunder.

5
6 All documents required by this Citation, except the payment of the administrative
7 penalty, shall be submitted to the Division at the following address:

8
9 Division of Drinking Water - Mendocino District
10 State Water Resources Control Board
11 50 D Street, Suite 200
12 Santa Rosa, CA 95404
13

14 **PARTIES BOUND**

15 This Citation shall apply to and be binding upon the System, its officers, directors,
16 agents, employees, contractors, successors and assignees.

17 **SEVERABILITY**

18 The directives of this Citation are severable, and the System shall comply with each
19 and every provision thereof, notwithstanding the effectiveness of any provision.
20
21

1 **FURTHER ENFORCEMENT ACTION**

2 The California SDWA authorizes the Board to: issue a citation with assessment of
3 administrative penalties to a public water system for violation or continued violation of
4 the requirements of the California SDWA or any regulation, permit, standard, citation,
5 or order issued or adopted thereunder including, but not limited to, failure to correct a
6 violation identified in a citation or compliance order. The California SDWA also
7 authorizes the Board to take action to suspend or revoke a permit that has been
8 issued to a public water system if the public water system has violated applicable law
9 or regulations or has failed to comply with an order of the Board; and to petition the
10 superior court to take various enforcement measures against a public water system
11 that has failed to comply with an order of the Board. The Board does not waive any
12 further enforcement action by issuance of this Order.

13
14 

15
16 Stefan Cajina, P.E., Chief

17 June 21, 2018

18 Date

19 North Coastal Region

20 State Water Resources Control Board

21 Division of Drinking Water

22 Certified Mail No.: 7018 0040 0000 0180 4139



23 **Appendices (3):**

- 24 1. Public Notification Template
25 2. Compliance Certification
26 3. Applicable Statutes and Regulations
27

28 2300503/Compliance File #4/02_03_18C_013/LSH
29

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

The Sutherland Waterworks Failed to Test the Drinking Water for Bacteria During March 2018

Our water system failed to monitor our drinking water for bacteria during March 2018. Routine sampling of the water system is required by the California Code of Regulations. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What should I do?

You do not need to take any corrective actions at this time. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on regulated contaminants in drinking water are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What happened?

We are required by state regulations to monitor our drinking water for specific contaminants on a regular basis. Results of our routine monitoring are an indicator of whether or not the drinking water meets health standards. We did not test the drinking water for coliform bacteria during March 2018. Therefore, we cannot be sure of the bacteriological quality of the drinking water during that time.

What does this mean?

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered safe from bacteria. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up samples are important to periodically verify the water quality. Our failure to test our drinking water for bacteria during March 2018 was a violation of Section 64423, Title 22 of the California Code of Regulations (CCR).

What corrective actions have been taken by the Sutherland Waterworks to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

(name)

(address)

(phone number)

PUBLIC WATER SYSTEM NO. 2300503

Date: _____

APPENDIX 2. COMPLIANCE CERTIFICATION

Citation Number: 02_03_18C_013

Name of Water System: **Sutherland Waterworks**

System Number: **2300503**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violation of Title 22, California Code of Regulations. In addition, I certify that the Sutherland Waterworks complied with the directives of this citation as indicated below:

Required Action	Date Completed
Public Notification – First Method (REQUIRED) <input type="checkbox"/> Complete Appendix 1, as required in Directive 2 , on page 3 of this citation. Then post copies in various conspicuous locations throughout all the businesses served by the water system for a minimum of <u>7 days</u> (attach photos of posted copies, and give locations and dates of posting).	<div></div>
Public Notification – Second Method <u>Choose one of the following:</u> <input type="checkbox"/> Publication in a local newspaper or newsletter (<u>attach copy of paper</u>); OR <input type="checkbox"/> Mail or hand deliver the completed notice to each customer of the water system (<u>attach copy of mailed/delivered notice to this form</u>); OR <input type="checkbox"/> Post notice on the Internet or intranet (provide website address and <u>attach printout of notice on website</u>).	<div></div>

Signature of Water System Representative

Date

THIS FORM MUST BE COMPLETED AND RETURNED WITH ATTACHMENTS TO THE DIVISION NO LATER THAN July 20, 2018.

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

APPENDIX 3 - APPLICABLE STATUTES AND REGULATIONS
FOR CITATION NO. 02_03_18C_013

Section 116650 of the CHSC states in relevant part:

- (a) If the State Water Resources Control Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Water Resources Control Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The State Water Resources Control Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations (CCR), Section 64423 states in relevant part:

- (a) Each water supplier shall collect **routine** bacteriological water samples as follows:
 - (1) The minimum number of samples for community water systems shall be based on the known population served or the total number of service connections, whichever results in the greater number of samples, as shown in Table 64423-A.
 - (3) The minimum number of samples for transient-noncommunity water systems using groundwater and serving 1000 or fewer persons a month shall be one in each calendar quarter during which the system provides water to the public.

California Code of Regulations (CCR), Section 64423.1 states in relevant part:

- (a) Analytical results of all required samples collected for a system in a calendar month shall be reported to the State Board not later than the tenth day of the following month.

California Code of Regulations Section 64463.4 states, in relevant part:

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:
 - (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
 - (A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Water Resources Control Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Water Resources Control Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Water Resources Control Board's written approval based on the violation or occurrence having been resolved and the State Water Resources Control Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Water Resources Control Board's written approval based on its determination that public health would in no way be

adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Water Resources Control Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the State Water Resources Control Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;

2. Posting in conspicuous public places served by the water system, or on the Internet; or

3. Delivery to community organizations.

(2) Unless otherwise directed by the State Water Resources Control Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

California Code of Regulations (CCR), Section 64465 states in relevant part:

(a) Each public notice given pursuant to this article shall contain the following:

(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(2) The date(s) of the violation or occurrence;

(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;

- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail"; and
- (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [*compliance period dates*], we [*did not monitor or test or did not complete all monitoring or testing*] for [*contaminant(s)*], and therefore, cannot be sure of the quality of your drinking water during that time."

(c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other

than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:

(1) Contain information in the appropriate language(s) regarding the importance of the notice, or

(2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and

(3) Not contain language that minimizes or contradicts the information being given in the public notice.